\* BEFORE THE IN RE: PETITION FOR RESIDENTIAL CONING VARIANCE Fis old Home Road, 468 ft. (+/-) \* ZONING COMMISSIONER g of Wedcota Road \* OF BALTIMORE COUNTY 507 Old Home Road 14th Flootion District \* Case No. 92-193-A oth Councilmanic District John Austin Wilson, et ux Pot it comers

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.3 of the Baltamore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 17 ft. 2 inches, in lieu of the maximum permitted 15 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of 1997 that the Petition for a Zoning Variance from Section 100.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a sheight of 17 ft. 2 inches, in lieu of the maximum permitted 15 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

The hardship that we experienced relating to the height of

During the long wait for the trusses to be delivered, we

The trusses were delivered and we assumed that they were

To prevent damage to the wood, sheet rock, and since we could

To lower the height to conform with Zoning Regulations

our Detached Garage stemmed from the roof trusses. It was our full

be custom made due to the irregular size (14 x 30).

was required by fire code.

continued to build.

intention to have a completed garage at or under the 15' regulation by

Baltimore County. We ordered 5 feet roof trusses. These trusses had to

completed a large portion of the siding, as well as the sheet rock that

correct. This was our first experience in building, at at this point,

the trusses laying flat on the ground , in sections - we were not aware

the error was detected. We then called the manufacturer, and because the

of any error. It was not until the trusses were up on the garage that

not financially afford to purchase a second set of roof trusses, we

at this point would require removing the roof, lowering the walls,

purchasing a new garage door, and practically rebuilding the entire garage. It is our hope that we can be granted a Zoning Variance in

trusses were custom made, they were not able to be returned.

height, rather than require these drastic changes.

LES/mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887 3353

November 29, 1991

Mr. and Mrs. Joseph Austin Wilson 507 Old Home Road Baltimore, Maryland 21206

> RE: Petition for Residential Zoning Variance Case No. 92-193-A

Dear Mr. and Mrs. Wilson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

Beginning for the same at a point on the East side of Old Home Road distant 468.42 feet Southerly measured along the East side of Old Home Road from the intersection of said East side of Old Home Road and the South side of Wecota Road, said point of beginning being at the intersection of said East side of Old Home Road and the center line of a ten foot right-of-way there laid out or to be laid out, and running thence binding on the said East side of Old Home Road, South 6 degrees 20 minutes 50 seconds East 42 feet to intersect a line drawn Westerly through the center of the partition wall between the building erected on the lot South thence reversing said last mentioned line so drawn and binding thereon North 83 degrees 39 minutes 10 seconds East 125 feet, thence parallel with said Old Home Road, North 6 degrees 20 minutes 50 seconds West 42 feet to the center line of said mentioned right-of-way, South 83 degrees 39 minutes 10 seconds West 125 feet to the place of beginning. THE IMPROVEMENTS thereon being known as No. 507 Old Home Road.

AFFIDAVIT The undersigned hereby affirms under the penalties

Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Afficient(s) does do presently reside at 507 OLD HOME ROAD regard thereto.

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate herdship or practical difficulty)

SEE ATTACHED HARDSHIP

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

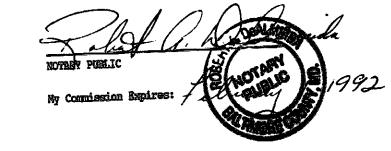
SHARON LEE WILSON

I HEREBY CERTIFY, this 24th day of October 19 91, before Rotary Public of the State of Meryland, in and for the County aforesaid, personally appeared Joseph Austin Wilson and Sharon Lee Wilson

the Afriant(s) herein, personelly known or satisfactorily identified to me as such Affiant(s), and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and helief.

AS WITHERS my heard and Noterial Seal.

October 24, 1991



Contract Purchaser: (Type or Print Name) SHARON LEE WILSON City/State/Zip Code Attorney for Petitioner: 507 OLD HOME ROAD 668-7067 purchaser or representative to be contacted. JOSEPH WILSON ZONING COPPLISSIONER OF BALTIPONE COUNTY A PHOLIC HEARING HAVING DEEN REQUESTED AND/OR FOUND TO BE REQUIRED CERTIFICATE OF POSTING

PETITION FOR RESIDENTIAL VARIANCE

the description and plot attached hereto and made a part hereof, petition for a Variance from Section

400.3 - to allow an accessory structure (detached garage) with a height of 17' 2"

SEE ATTACHED HARDSHIP

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

this Petition.

I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of

The undersigned, legal owner(s) of the property situate in Baltimore County

in lieu of the maximum permitted 15'.

(indicate hardship or practical difficulty)

Account: R-001-6150

PRICE. (1947) (1944) (1955) (1944)

Location of Signs

The second of th 

Please Make Cheeks Regards To Beltimore County \$40.00
EA CO11:25AH10-25-91

April 18 March 19 Mar

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

1 West Chesapeake Avenue **–**⊙ vson, MD 21204

887-3353

November 8, 1991

Mr. & Mrs. Joseph A. Wilson 507 Old Home Road Baltimore, MD 21206

RE: Item No. 211, Case No. 92-193-A Petitioner: Joseph A. Wilson, et ux Petition for Residential Variance

Dear Mr. & Mrs. Wilson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committe Coments Date: November 8, 1991 Page 2

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

JED:jw Enclosures

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 20, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

4. 19% A 1/25

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 5, 1991

This office has no comments for item numbers 201, 203, 204, 205, 206, 207, 208 and 211.

Traffic Engineer II

RJF/lvd



92-193-A 11/25

Baltimore County Government
Fire Department 700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 20, 1991

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

JOSEPH AUSTIN WILSON RE: Property Owner: #507 OLD HOME ROAD

Location: Zoning Agenda: NOVEMBER 5, 1991 Item No.: 211

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Planning Group V Special Inspection Division

JP/KEK

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 25th day of October, 1991.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting

FROM: Robert W. Bowling, P.E.

RWB:s

for November 5, 1991

TO: Arnold Jablon, Director DATE: November 13, 1991

Zoning Administration and Development Management

The Developers Engineering Division has reviewed

For Item 211, the lot dimensions shown on the plat

Developers Engineering Division

the subject zoning items and we have no comments for

Items 201, 203, 204, 205, 206, 207, 208, and 209.

do not agree with Plat Book 14, Folio 11.

Zoning Plans Advisory Committee

Petitioner: Joseph A. Wilson, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 4, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Bertoldl Property, Item No. 172 Koss Property, Item No. 192 Pitts Property, Item No. 193 Weimer Propety, Item No. 196 Frey Property, Item No. 197 Goodwin Property, Item No. 198 Pettit Property, Item No. 199 McQuain Property, Item No. 200 Osment Property, Item No. 201 Shapiro Property, Item No. 203 Chaney Property, Item No. 204 Colleran Property, Item No. 207 Fisher Property, Item No. 208 / Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITMS172/TXTROZ

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120 i

887 3353

October 31, 1991

Joseph and Sharon Wilson 507 Old Home Road Baltimore, Maryland 21206

Re: CASE NUMBER: 92-193-A LOCATION: E/S Old Home Road, 468'(+-) S of Weccota Road 507 Old Home Road 14th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 10, 1991. The closing date is November 25, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND

THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

92-193-A

Mrs. Helen Taylor 503 Old Home Road Baltimore, MD. 21206 October 24, 1991

Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Room 113 Towson, MD. 21204

Dear Sir :

I am writing in reference to a Detached Garage which was erected on the property adjacent to mine known as 507 Old Home Road. I have been made aware by the owners, Joseph and Sharon Wilson that they are in the process of applying for a Baltimore County Zoning Variance.

I am also aware that the Zoning Variance applied for is required because the height of the detached garage exceeds the Baltimore County Zoning requirement if 15 feet.

It is my intention with this letter that you are made aware that the height variance of this garage does not bother me, nor does it block my view of my property from any place in my home. If you have any questions, I can be reached by mail at the address listed above. Thank you for your attention in this

Mrs. Helen Taylor

92-193-A

Mrs. Virginia Dunlop 509 Old Home Road Baltimore, MD. 21206 October 24, 1991

Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Room 113 Towson, MD. 21204

Dear Sir :

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Mrs. Virginia Dunlop

92-193-A

Mrs. Joan Vaught 505 Old Home Road Baltimore, MD. 21206 October 24, 1991

Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Room 113 Towson, MD. 21204

Dear Sir :

matter.

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